

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2012/0395/FP
APPLICATION Site:	5 Lysley Place, Brookmans Park

NOTATION:

The site lies within the Metropolitan Green Belt and the North Mymms Common and Newgate Street Farmed Plateau Landscape Character Area as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF PROPOSAL:

The proposal would involve infilling an existing swimming pool and some minor external alterations to create a gym/games room and library and guest accommodation in the form of an annex.

PLANNING HISTORY:

S6/2012/0396/FP – Erection of first floor extension – Pending consideration.

S6/2002/0343/FP – Erection of front and rear porches – Approved 07 May 2002.

S6/2001/1203/FP - Retention of tennis court, ornamental pond bridge, gazebo, garden shed, rose arches and pergolas and installation of wrought iron field and entrance gates – Approved 10 December 2001.

S6/2001/0058/FP – Single storey building over pool – Refused 14 May 2001 and subsequently allow on appeal.

S6/2000/1589/FP – Erection of part first floor extension, and new dormer windows – Approved 12 March 2001.

S6/2000/1588/FP – Swimming pool – Approved 12 March 2001.

SUMMARY OF POLICIES:

National Planning Policy Framework, March, 2012

East of England Plan 2008 Policies:

SS1: Achieving Sustainable Development

ENV7: Quality in the Built Environment

T14: Parking

Hertfordshire Structure Plan Review 1991 – 2011:

None.

Welwyn Hatfield District Plan 2005:

SD1: Sustainable Development

GBSP1: Definition of Green Belt

R3: Energy Efficiency

M14: Parking Standards for New Developments

D1: Quality of Design

D2: Character and Context

D8: Landscaping

RA3: Extensions to Dwellings in the Green Belt

RA10: Landscape Regions and Character Areas

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004

CONSULTATIONS:

The application has been advertised by neighbour notifications. One letter of representation was received from North Mymms District Green Belt Society, which stated:

Our only comment is that Green Belt policies on extensions should be adhered to.

PARISH COUNCIL COMMENTS:

North Mymms Parish Council comment that the property has already been extensively enlarged and any further increase in size must comply with Green Belt policies on extensions.

REPRESENTATIONS:

None, period expired 30 March 2012.

DISCUSSION:

The main issues are:

1. The proposed development's impact upon the openness of the Green Belt and compliance with Green Belt Policy
2. The proposed development's impact upon the character and context of the locality and visual amenity of the Green Belt
3. The proposed development's impact upon the residential amenity of the adjoining occupiers
4. Other Material Planning Considerations

1. The proposed external alterations would not increase the floorspace of the dwelling or alter the external size of the property. The resultant dwelling would not increase in bulk or mass and would not appear any different in the surrounding landscape.

The proposal has been illustrated to accommodate a gym, library and annex style accommodation. The annex has been labelled to form guest accommodation and would remain internally connected to the main dwelling. Although the proposed alteration would have a relatively large area and would include substantial facilities including a separate kitchen, it does not appear to form a separate dwelling. Due to the existing dwelling being relatively large with a generous amenity area, the proposed accommodation would not be excessive and would be incidental to the main use of the house. Furthermore, planning consent would be required for an independent dwelling and the impact of a separate use is likely to be very different to that of an annex.

The existing dwelling has a large capacity with several bedrooms, large parking space and spacious gardens. Therefore, it has the potential to be used as a large family house and have guests and visitors. The proposed alterations would not significantly alter the use of the property or its capacity, subject to it being used as an annex.

The proposal would not have a noticeable impact upon the openness and rural character of the Green Belt.

2. The application dwelling is within a complex of buildings which used to form a farm. The application dwelling has previously been extended and these extensions include the area subject to this application. The application dwellings garden is secluded and not significantly overlooked by the neighbouring properties or any public areas. The area of the proposal therefore is only generally viewed from within the application plot. The proposed external alterations would comprise minor changes to the fenestration involve the reduction of full height window/door. The proposed development would not have an adverse impact upon the character and appearance of the locality.

The proposed alterations would not be viewed from the surrounding public areas and would not be viewed within the surrounding landscape character area. The proposal would therefore not conflict with the requirements of Policy RA10 of the Welwyn Hatfield District Plan 2005.

3. The application dwelling is a detached property and has a reasonable separation from the neighbouring properties. The application dwelling is enclosed by a tall boundary wall on the western side of the plot. The proposed alterations would not be visible from the premises to the west (Mymwood House and Lodge) and the use of the proposal would not result in any significant further noise and disturbance.

The other surrounding properties would retain a sufficient distance from the proposal to ensure that it would not have an adverse impact upon the residential amenities of the neighbouring occupants.

4. Other Material Planning Considerations

Car Parking: Policy M14 states that the council require parking provision for new development to be made in accordance with the standards set out in the Council's Supplementary planning guidance on parking. The application site is located within

an unzoned rural area. As existing the application dwelling has a least 4 off road spaces and a double garage. The existing parking provision would exceed the maximum requirement of the parking standards and is considered to be acceptable.

Sustainable Development: Policy R3 states that the Council expects all development to include measures to maximise energy conservation through the design of buildings, site layout and provision of landscaping. The application has been submitted with a sustainability checklist, which notes the new windows would be double glazed and the new fixtures would be water efficient. These provisions are considered to be acceptable and in accordance with policies SD1 and R3 of the Welwyn Hatfield District Plan 2005.

Protected Species: The presence of protected species is a material consideration, in accordance with the National Planning Policy Framework, Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05. Protected species such as great crested newts, otters, dormice and bats benefit from the strictest legal protection. These species are known as European Protected Species ('EPS') and the protection afforded to them derives from the EU Habitats Directive, in addition to the above legislation. Water voles, badgers, reptiles, all wild birds, invertebrates and certain rare plants are protected to a lesser extent under UK domestic law (NERC Act and Wildlife and Countryside Act 1981). The existing site and development is such that there is not a reasonable likelihood of EPS being present on site nor would an EPS offence be likely to occur. It is therefore not necessary to consider the Conservation Regulations 2010 further.

East of England Plan 2008: On 10th November 2010, The High Court quashed the decision of the Secretary of State for Communities and Local Government to unilaterally revoke Regional Spatial Strategies in England on two grounds:

That he acted outside his statutory powers in circumventing the need for parliamentary scrutiny of such a fundamental change to the national planning system; and

He failed to consider the likely environmental effects of revoking Regional Strategies

However, the Government is still committed to the abolition of Regional Spatial Strategies through the Localism Bill. In the meantime, the policies in the East of England Plan are re-established and form part of the development plan again and are therefore a material consideration which can be taken into account in reaching a decision. However, the Government's intention to abolish Regional Spatial Strategies is also a material consideration that could be considered to reduce the weight to be attached to policies in Regional Spatial Strategies.

The application has been considered against policies in the East of England Plan, which at the time of this decision forms part of the development plan for the Borough but that the weight accorded to these policies, in light of the above circumstances, has been carefully considered in reaching a decision.

CONCLUSION:

The proposed development would not have an adverse impact upon the character and appearance of the locality or the residential amenity of the neighbouring occupiers. When considered cumulatively with the existing extensions the proposal would not result in a disproportionate dwelling. The resultant dwelling would also not be materially larger than the original dwelling and not conflict with the original approval that allowed the wider residential development within the Green Belt.

RECOMMENDATION: APPROVAL WITH CONDITIONS**CONDITIONS:**

1. C.2.1: Time limit for commencement of development
2. C.13.1: Development in accordance with approved plans/details 10825-P001 & 10825-P002 & 10825-P005 received and dated 5 March 2012.

Post Development

3. C5.2: Matching materials
4. The alterations hereby approved shall only be used in conjunction with the main attached dwelling number 5 – 6 Lysley Place. The existing dwelling and approved extension shall therefore comprise a single dwelling.

Reason: To ensure that the development does not result in the creation of two independent units within the Metropolitan Green Belt and the site maintains sufficient off road parking space, amenity space and an appropriate standard of residential development. In accordance with the National Planning Policy Framework, March, 2012 and Policies D1 and M14 of the Welwyn Hatfield District Plan 2005.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The proposal has been considered against the National Planning Policy Framework, March, 2012, East of England Plan 2008 policies SS1, T14, ENV7, and development plan policies SD1, GBSP1, R3, M14, D1, D2, D8, RA3, RA10 of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which indicate that the proposal should be approved. Material planning considerations do not justify a decision contrary to the Development Plan (see Officer's report which can be inspected at these offices).

INFORMATIVES: None.

Signature of author..... Date.....